

1

2 **UNITED STATES DISTRICT COURT**

3 **DISTRICT OF NEVADA**

4 Saa'im Washington,

5 Petitioner,

6 v.

7 State of Nevada,

8 Respondent.

9

Case No.: 2:22-cv-01938-APG-DJA

**Order Dismissing Improperly Commenced  
Habeas Proceeding**

10 Petitioner, a Nevada prisoner, has submitted a single-page, handwritten document  
11 requesting a writ of habeas corpus under to 28 U.S.C. § 2254.<sup>1</sup> Petitioner has not filed an  
12 application to proceed *in forma pauperis* or paid the filing fee.<sup>2</sup> Accordingly, petitioner has not  
13 properly commenced an action for habeas relief.

14 Thus, this case will be dismissed without prejudice to the filing of a habeas petition under  
15 28 U.S.C. § 2254 in a new action with either the \$5.00 filing fee or a completed application to  
16 proceed *in forma pauperis* on the proper form with both an inmate account statement for the past  
17 six months and a properly executed financial certificate. Petitioner is also advised that he must  
18 file his petition for writ of habeas corpus on the court's approved form.<sup>3</sup>

19

20

21

22 <sup>1</sup> ECF No. 1-1.

23 <sup>2</sup> See 28 U.S.C. § 1915(a)(2) and Local Rules LSR 1-1, 1-2.

<sup>3</sup> See Local Rule LSR 3-1.


1 IT IS THEREFORE ORDERED that this action is dismissed without prejudice to the  
2 filing of a petition in a **new** action with either the \$5.00 filing fee or a properly completed  
3 application to proceed *in forma pauperis*.

4 IT IS FURTHER ORDERED that a certificate of appealability is denied as jurists of  
5 reason would not find the court's dismissal of this improperly commenced action without  
6 prejudice to be debatable or incorrect.

7 IT IS FURTHER ORDERED that the Clerk shall send petitioner two copies each of an  
8 application form to proceed in forma pauperis for incarcerated persons and a noncapital Section  
9 2254 habeas petition form, and one copy of the instructions for each form.

10 IT IS FURTHER ORDERED that the Clerk shall enter judgment accordingly and close  
11 this case.

12 Dated: November 28, 2022

13   
14 U.S. District Judge Andrew P. Gordon  
15  
16  
17  
18  
19  
20  
21  
22  
23